

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

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| Applicant's or agent's file reference PCT10040703 | FOR FURTHER ACTION | See item 4 below |
| International application No. PCT/EP2005/000253 | International filing date (<i>day/month/year</i>) 13 January 2005 (13.01.2005) | Priority date (<i>day/month/year</i>) 22 January 2004 (22.01.2004) |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | |
| Applicant SOMMER ANTRIEBS- UND FUNKTECHNIK GMBH | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

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|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

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|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Date of issuance of this report 11 September 2007 (11.09.2007) |
| Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004) | Authorized officer Agnes Wittmann-Regis e-mail: pct@wipo.int |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

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|--|---|---|--|
| Applicant's or agent's file reference PCT10040703 | | Date of mailing (day/month/year) See form PCT/ISA/210 | |
| FOR FURTHER ACTION | | See paragraph 2 below | |
| International application No. PCT/EP2005/000253 | International filing date (day/month/year) 13.01.2005 | Priority date (day/month/year) 22.01.2004 | |
| International Patent Classification (IPC) or both national classification and IPC G07C9/00 G08C17/02 | | | |
| Applicant SOMMER ANTRIEBS- UND FUNKTECHNIK GMBH | | | |

1. This opinion contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered in be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000253

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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|---|--|-------|-----|
| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
| 1. Statement | | | |
| Novelty (N) | Claims | _____ | YES |
| | Claims | 1-19 | NO |
| Inventive step (IS) | Claims | _____ | YES |
| | Claims | 1-19 | NO |
| Industrial applicability (IA) | Claims | 1-19 | YES |
| | Claims | _____ | NO |
| 2. Citations and explanations: | | | |
| <p>1. Reference is made to the following documents:</p> <p>D1: FR 2 836 270 A (COGELEC) 22 August 2003 (2003-08-22)</p> <p>D2: DE 198 21 998 C1 (HOERMANN KG ANTRIEBSTECHNIK) 14 October 1999 (1999-10-14)</p> <p>D3: US R E37 986 E1 (HEITSCHER CARL ET AL.) 11 February 2003 (2003-02-11)</p> <p>2. D1 discloses (the references between parentheses relate to said document):</p> <p>A programming unit for transceiver systems for contactlessly actuating doors and gates ('6' in fig. 1; page 4, lines 28-30). A door or gate is actuated by virtue of a transmitter code being read by a transmitter of a transceiver system into an assigned receiver and therein being compared with receiver codes (abstract). The unit comprises the following components: a computer unit for managing the transmitter codes and the receiver codes of the transceiver systems ('100' in fig. 1; page 9, lines 12-15), an input unit for defining</p> | | | |

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INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

the transmitter codes and receiver codes of the transceiver systems and, for connecting transmitters and receivers, an interface unit by means of which receiver codes can be output to connected receivers and transmitter codes can be output to connected transmitters ('102', '24', '50', '90' and also '26', '28', '54' and '56' in fig. 1; page 5, lines 2-6), wherein for each transceiver system transmitter codes for the system's transmitter are defined in the computer unit as subsets of the receiver codes of the system's receiver (page 10, lines 25-31).

2.1 INDEPENDENT CLAIM 1

D1 therefore discloses all the features in independent claim 1 in combination. The subject matter of this claim is therefore not novel (PCT Article 33(2)).

3. D2 discloses (the references between parentheses relate to said document):

A programming unit for transceiver systems for contactlessly actuating doors and gates ('13' in fig. 1). A door or gate is actuated by virtue of a transmitter code being read by a transmitter of a transceiver system into an assigned receiver and therein being compared with receiver codes (fig. 1; column 1, lines 3-18). The unit comprises the following components: a computer unit for managing the transmitter codes and the receiver codes of the transceiver systems ('13' in

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

fig. 1/6; column 3, lines 29-47; column 9, lines 44-47; column 13, lines 20-43), an input unit for defining the transmitter codes and receiver codes of the transceiver systems (column 6, lines 47-56) and, for connecting transmitters and receivers, an interface unit by means of which receiver codes can be output to connected receivers (column 12, lines 62-66) and transmitter codes can be output to connected transmitters (column 10, lines 25-28; column 11, lines 10-13), wherein for each transceiver system transmitter codes for the system's transmitter are defined in the computer unit as subsets of the receiver codes of the system's receiver (column 14, line 38 to column 15, line 5).

3.1 INDEPENDENT CLAIM 1

D2 therefore discloses all the features in independent claim 1 in combination. The subject matter of this claim is therefore not novel (PCT Article 33(2)).

4. OBSERVATION

At this point it should also be observed that the last feature in claim 1 "*wherein for each transceiver system transmitter codes for the system's transmitter are defined in the computer unit as subsets of the receiver codes of the system's receiver*" has long been known prior art in respect of garage door remote control units and therefore constitutes a feature which is familiar to a person of average skill in the art and which

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

he would also implement in similar devices or systems without thereby exercising inventive skill (PCT Article 33(3)); see, for example, D3, paragraph 0009: *"the decoder module in the receiver will be capable of learning several different transmitted codes which will eliminate code switches in the receiver and also provides for multiple transmitters for actuating the garage opener"*.

5. DEPENDENT CLAIMS 2-19

Claims 2-19 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements in respect of novelty and inventive step, since they concern standard features from the field of remote control technology and code management.